

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

VENITO LYNN JOHNSON, SR.,

Plaintiff,

vs.

CAPTAIN JAMES MULCAHY,

Defendant.


Case No. 1:06CV43 CDP

MEMORANDUM AND ORDER

Currently before the Court is defendant Mulcahy's second motion for summary judgment. In plaintiff Johnson's response in opposition to the motion he states that: "Defendant has not provided the Plaintiff with the documents needed to help present his claim, as was ordered by the courts in the amended case management order filed Nov. 13th 2006." The Amended Case Management Order issued on November 13, 2006, set a schedule for a limited discovery period and required certain information to be disclosed by each party. Before I rule on summary judgment in this case I want to make sure that the discovery procedure has been complied with and all proper evidence is before the Court. If Johnson is still waiting for documents or never received the ordered documents from Mulcahy, he has until **Friday, May 18, 2007**, to file a motion to compel under Federal Rule of Civil Procedure 37. If no motion is filed by that date, the Court will assume all discovery has been exchanged and will rule on summary judgment.

Accordingly,

IT IS HEREBY ORDERED that plaintiff Venito Johnson shall file any motion to compel in this case by **Friday, May 18, 2007**.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 8th day of May, 2007.